

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1837.01
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	November 28, 2001
DATE OF REPORT:	December 26, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 25, 2002

COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

- 511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically:
 - a. failing to provide books on tape;
 - b. failing to provide materials in large print; and
 - c. failing to activate a tape recorder for lectures to be recorded.
- 511 IAC 7-27-7(b) and 511 IAC 7-17-72 by failing to ensure the student's teacher of record:
 - a. regularly monitored the implementation of the student's IEP; and
 - b. ensured that supplementary aids and services and program modifications were provided in accordance with the student's IEP.

FINDINGS OF FACT:

1. The Student is a thirteen-year-old seventh-grader who has been determined eligible for special education and related services due to an orthopedic impairment and a visual impairment.
2. The Student's CCC Summaries/IEPs dated May 23 and October 18, 2001, state the Student's textbooks are to be provided in two formats: large print and books on tape. The Student has large print textbooks that are utilized at school and can be taken home; however, not all of the Student's textbooks have been provided in the book on tape format.
3. The Student's CCC Summaries/IEPs dated May 23 and October 18, 2001, state the Student's materials are to be provided in large print. The school's response indicates that the Student has received the materials, including textbooks, handouts, and scribed notes in large print. The Complainant initially indicated that she was concerned that some of the materials were not legible; however, the scribed notes are now taken with a felt-tip pen, and the Complainant's concern has been alleviated.
4. The Student's CCC Summary/IEP dated May 23, 2001, states the Student's teachers will activate a tape recorder for lectures, discussions, and similar activities when the teacher would require or recommend notetaking. The October 18, 2001, CCC Summary/IEP states the CCC reviewed the services identified in the May 23 IEP, and agreed to those recommendations.

5. The school reports that the Student's teachers have been given the option of using a scribe assistant or tape recording classroom lectures and discussions for the Student to utilize.
6. The Student's teacher of record (TOR) has consulted with the Student and his teachers, observed him in the classroom, attended CCC meetings, and reviewed the Student's progress on goals and objectives. The TOR states she was advised that the Student had been provided with textbooks on tape. However, the TOR did not follow up to ensure that such supplementary aids had actually been provided to the Student.
7. Although the Student's IEPs stated that lectures, discussions, and similar activities were to be tape recorded, the TOR states the classroom teachers had the option of choosing between use of a scribe or a tape recorder for notetaking for the Student.

CONCLUSIONS:

1. Findings of Fact #2 through #5 reflect that the Student's IEPs required the Student to be provided with large print textbooks and materials, textbooks on tape, and tape recorded lectures and class discussions. Although the school has provided large print textbooks and materials, it has provided only some of the Student's textbooks on tape. Further, classroom teachers have been allowed to utilize a scribe for notetaking for the Student, rather than utilizing a tape recorder as required by the IEPs. Therefore, a violation of 511 IAC 7-27-7(a) has occurred with regard to the failure to provide textbooks on tape and providing tape recorded lectures and discussions.
2. Findings of Fact #6 and #7 indicate that the Student's teacher of record failed to monitor the implementation of the Student's IEP with respect to the provision of textbooks on tape and failed to ensure the supplementary service of tape recording lectures and discussions for the Student's use as required in the Student's IEPs. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Jay School Corporation shall:

1. Reconvene the CCC to consider compensatory services for the Student as the result of the lack of textbooks on tape and the failure to provide tape recorded classroom lectures and discussions. Details of the CCC's discussion of the Student's need for compensatory services shall be documented in the CCC report, and any compensatory services to be provided shall be documented in the IEP. A copy of the CCC Summary and IEP shall be submitted to the Division no later than January 30, 2002.

2. Submit documentation that the Student has been provided with textbooks on tape for each of the Student's classes. The documentation shall include a list of the textbooks utilized in each class, as well as confirmation from the parent that the Student has been provided with the appropriate textbooks on tape for each class. The documentation shall be submitted no later than January 18, 2002.
3. Send a written reminder to all teachers of record regarding their responsibilities under 511 IAC 7-17-72 and 511 IAC 7-27-7(b). A copy of the memorandum and list of all personnel to whom the memorandum was sent shall be submitted to the Division no later than January 18, 2002.

DATE REPORT COMPLETED: December 26, 2001